

CLEARY GOTTlieb STEEN & HAMILTON LLP

ONE LIBERTY PLAZA  
NEW YORK, NY 10006-1470  
(212) 225-2000

FACSIMILE (212) 225-3999

WWW.CLEARYGOTTLIEB.COM

WASHINGTON, DC • PARIS • BRUSSELS  
LONDON • MOSCOW • FRANKFURT • COLOGNE  
ROME • MILAN • HONG KONG • BEIJING

Writer's Direct Dial (212) 225-2490  
E-Mail jblackman@cgsh.com

ROGER W. THOMAS  
MARK A. WALKER  
LESLIE B. SAMUELS  
ALLAN G. SPERLING  
MAX GITTER  
EVAN A. DAVIS  
LAURENT ALPERT  
VICTOR I. LEWKOW  
LESLIE N. SILVERMAN  
ROBERT L. TORTORIELLO  
A. RICHARD SUSKO  
LEE C. BUCHHEIT  
JAMES M. PEASLEE  
ALAN L. BELLER  
THOMAS J. MOLONEY  
EDWARD D. KLEINBARD  
JONATHAN I. BLACKMAN  
WILLIAM F. GORIN  
MICHAEL L. RYAN  
ROBERT P. DAVIS  
YARON Z. REICH  
RICHARD S. LINCER  
JAIME A. EL KOURY  
STEVEN G. HOROWITZ  
ANDREA G. PODOLSKY  
STEVEN M. LOEB  
DANIEL S. STERNBERG  
DONALD A. STERN  
CRAIG B. BROD  
SHELDON H. ALSTER  
WANDA J. OLSON  
MITCHELL A. LOWENTHAL  
DEBORAH M. BUELL  
EDWARD J. ROSEN  
LAWRENCE B. FRIEDMAN

NICOLAS GRABAR  
CHRISTOPHER E. AUSTIN  
SETH GROSSHANDLER  
WILLIAM A. GROLL  
JANET L. FISHER  
DAVID L. SUGERMAN  
HOWARD S. ZELBO  
DAVID E. BRODSKY  
ARTHUR H. KOHN  
ANA DEMEL  
RAYMOND B. CHECK  
RICHARD J. COOPER  
JEFFREY S. LEWIS  
PAUL J. SHIM  
YVETTE P. TEOFAN  
STEVEN L. WILNER  
ERIKA W. NIJENHUIS  
LINDSEE P. GRANFIELD  
DAVID C. LOPEZ  
CARMEN A. CORRALES  
JAMES L. BROMLEY  
RICARDO A. ANZALDUA-MONTOYA  
PAUL E. GLOTZER  
MICHAEL A. GERSTENZANG  
LEWIS J. LIWAN  
NEIL Q. WHORISKEY  
JORGE U. JUANTORENA  
MICHAEL D. WEINBERGER  
DAVID LEINWAND  
JEFFREY A. ROSENTHAL  
ETHAN A. KLINGSBERG  
MICHAEL D. DAYAN  
CARMINE D. BOCCUZZI, JR.  
JEFFREY D. KARPF  
KIMBERLY BROWN BLACKLOW

ROBERT J. RAYMOND  
DAVID I. GOTTLIEB  
LEONARD C. JACOBY  
SANDRA L. FLOW  
FRANCISCO L. CESTERO  
DANA G. FLEISCHMAN  
FRANCESCA LAVIN  
SANG JIN HAN  
WILLIAM L. MCRAE  
JASON FACTOR  
MARGARET E. STOWERS  
LISA M. SCHWEITZER  
KRISTOFER W. HESS  
JUAN G. GIRÁLDEZ  
DUANE McLAUGHLIN  
BREON S. PEACE  
RESIDENT PARTNERS  
SANDRA M. ROCKS  
ELLEN M. CREEDE  
S. DOUGLAS BORISKY  
JUDITH KASSEL  
DAVID E. WEBB  
PENELOPE L. CHRISTOPHOPOULOU  
BOAZ S. MORAG  
MARY E. ALCOCK  
GABRIEL J. MESA  
DAVID H. HERRINGTON  
MARK A. ADAMS  
HEIDE H. ILGENFRITZ  
GEOFFREY B. GOLDMAN  
DAVID S. BERG  
KATHLEEN M. EMBERGER  
NANCY I. RUSKIN  
RESIDENT COUNSEL

January 19, 2007

BY ECF AND HAND

Magistrate Judge Kiyo A. Matsumoto  
United States Magistrate Judge  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Weiss et al. v. National Westminster Bank Plc, 05-CV-4622 (CPS) (KAM)  
Strauss et al. v. Crédit Lyonnais, S.A., 06-CV-702 (CPS) (KAM)

Dear Magistrate Judge Matsumoto:

I regret needing to report that despite the Court's recent Minute Orders of January 12, 2007, and yesterday, January 18, 2007, plaintiffs are still disregarding the directions in those Orders, and request that the Court instruct plaintiffs to comply with them.

1. Identification of witnesses. Contrary to the January 12 Minute Order, which requires plaintiffs to identify today those "individuals in Israel with whom they have discussed the scheduling of depositions and information relevant to the claims and defenses," plaintiffs today disclosed only the names of the two Israeli Prison Service officials with whom plaintiffs have communicated about prisoner depositions, and the names of the eleven prisoners that plaintiffs have identified to those officials. Plaintiffs have not disclosed the identities of all the "individuals in Israel with whom plaintiffs have discussed . . . information relevant to the claims and defenses" in this action, as the Court expressly required them to do. When we telephoned plaintiffs' counsel earlier today concerning this omission, he informed us that he did not believe any further disclosure was necessary, claiming that the Orders were limited to disclosures relevant to these particular depositions.

This "reading" of the January 12 Minute Order is on its face inconsistent with the Court's direction to provide all "the identities of individuals in Israel with whom [plaintiffs] have discussed the scheduling of depositions and information relevant to the claims and defenses" (emphasis supplied), which parallels the requirement that plaintiffs produce all non-privileged documents received from Israeli officials. Neither provision is limited to the scheduling of particular depositions. It appears that contrary to the two directions of the Court, plaintiffs

Magistrate Judge Kiyo A. Matsumoto, p. 2

persist in not disclosing the names of all their Israeli “sources,” even though that information is clearly not work product.

2. Timing of plaintiffs’ document production. Plaintiffs produced certain additional documents to us today pursuant to the Court’s January 12 Minute Order and its further Order of yesterday, but they did not comply with Your Honor’s instruction in yesterday’s Order that plaintiffs today “advise defense counsel how much more remains outstanding.” When we asked plaintiffs’ counsel about this omission, he told us that he did not understand yesterday’s Order to require that he inform us “how much more remains outstanding,” although the Order expressly so provides.

We regret needing to burden Your Honor yet again on this subject, but it appears that without any further direction, plaintiffs will continue not to provide us with information that should have been included in their initial Rule 26(a) disclosures and discovery responses regarding the identity of persons in Israel with knowledge of relevant facts.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jonathan I. Blackman', with a stylized, sweeping flourish at the end.

Jonathan I. Blackman

cc: All Counsel of Record